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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FASHIONCRAFT-EXCELLO LLC,

Plaintiff,

v.

BG WHOLESALE INC.; BG WHOLESALE
TRADING INC.;

Defendants.

Case No.: 2:23-cv-01193-AB-JPR

**DEFAULT JUDGMENT AND
PERMANENT INJUNCTION
ORDER**

Upon consideration of Plaintiff's Motion for Default Judgment and Permanent Injunction, the declarations and exhibits thereto, and any responses and reply and argument submitted in support or opposition to the motion, the Court **FINDS** that:

1. Defendant BG Wholesale Inc. was properly served with the summons, complaint, and other pleadings in this Action pursuant to both federal and state laws. Defendant BG Wholesale Inc. received adequate notice of this Action, in satisfaction of due process requirements and as required by Fed. R. Civ. P. 4.

2. Defendant BG Wholesale Trading Inc. was properly served with the summons, complaint, and other pleadings in this Action pursuant to both federal and state laws. Defendant BG Wholesale Trading Inc. received adequate notice of this

1 Action, in satisfaction of due process requirements and as required by Fed. R. Civ.
2 P. 4.

3 3. Defendant BG Wholesale Inc. and Defendant BG Wholesale Trading Inc.
4 (collectively the “Defendants”) have failed to appear, plead, or otherwise defend
5 against this Action. The requisite time between service of the summons and complaint
6 as set forth in Section 415.20 of the California Code of Civil Procedure has elapsed.
7 The Clerk properly entered default pursuant to Rule 55(a) on August 21, 2023.

8 4. The evidence indicates that neither Defendant is an infant, incompetent,
9 in the military and/or otherwise exempt under the Soldiers’ and Sailors’ Civil Relief
10 Act of 1940.

11 5. The factual allegations in the Complaint, which are deemed admitted by
12 the Defendants’ default, and the further evidence in Plaintiff Fashioncraft-Excello
13 LLC’s (hereinafter “Fashioncraft”) supporting papers establish that the Defendants are
14 liable for copyright infringement under the U.S. Copyright Act and trademark
15 counterfeiting and trademark infringement under the Lanham Act.

16 6. As a result of the Defendants’ established liability under the U.S.
17 Copyright Act and Lanham Act, Fashioncraft is entitled to recover statutory damages
18 in the amount of **\$1.1 million (\$1,100,000.00)**.

19 7. Fashioncraft is entitled to recover attorneys’ fees in the amount of
20 \$21,600.00 associated with bringing this action.

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2 Accordingly, Defendants, their officers, agents, servants, employees, attorneys,
3 affiliated individuals including, but not limited to, Feng Qing Chen, Grace Chen, and
4 Ying Zhou, affiliated individuals with access and control of the following email
5 addresses: chhabc@gmail.com, gracechen0331@gmail.com, and
6 bgglassinc@gmail.com, affiliated individuals with access and control of the
7 Instagram handle @Bgwholesalela, and any other persons acting in active concert or
8 participation with any of those listed, or otherwise owned by or controlled by them,
9 are hereby **ENJOINED** from any of the following acts:
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11 a. advertising, marketing, promoting, selling, offering for sale, or
12 authorizing any third party to advertise, market, promote, sell or offer for sale any
13 goods or services bearing or containing the Fashioncraft IP, or any other intellectual
14 property that is a counterfeit, copy, simulation, confusingly similar variation, or
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1 colorable imitation of the Fashioncraft IP;

2 b. engaging in any activity that infringes Fashioncraft's rights in the
3 Fashioncraft IP;

4 c. engaging in any activity that constitutes unfair competition with
5 Fashioncraft;

6 d. using or authorizing any third party to use any other false designation of
7 origin or false description or representation or any other thing calculated or likely to
8 cause confusion or mistake in the mind of the trade or public or to deceive the trade or
9 public into believing that Defendants' products or activities are in any way sponsored,
10 licensed or authorized by, or affiliated, or connected with Fashioncraft;

11 e. making or displaying any statement, representation, or depiction that is
12 likely to lead the public or the trade to believe that the products or services promoted,
13 offered, or sponsored by the Defendants are in any manner approved, endorsed,
14 licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise
15 connected with Fashioncraft, or that Fashioncraft's products and services are in any
16 manner approved, endorsed, licensed, sponsored, authorized, or franchised by or
17 associated, affiliated, or otherwise connected with the Defendants;

18 f. registering or applying to register any trademark, service mark,
19 copyright, domain name, trade name, or other source identifier, design, visual work,
20 photograph, or symbol of origin consisting of or incorporating the Fashioncraft IP or
21 any other mark or copyright that infringes or is likely to be confused with the
22 Fashioncraft IP, or any products of Fashioncraft; and

23 g. assisting, aiding, or abetting any other person or business entity in
24 engaging in or performing any of the activities referred to in the above subparagraphs,
25 or effecting any assignments or transfers, forming new entities or associations, or
26 utilizing any other device for the purpose of circumventing or otherwise avoiding the
27 prohibitions set forth in the above subparagraphs.

28 Defendants shall within fourteen (14) days deliver up for destruction any and all

1 products, circulars, price lists, labels, brochures, business cards, signs, prints,
2 packages, wrappers, pouches, advertising matter, promotional materials, and other
3 materials in the possession or control of Defendants bearing the Fashioncraft IP, any
4 derivation, work of authorship, or colorable imitation thereof, or any mark confusingly
5 similar thereto or likely to dilute or detract from the Fashioncraft IP.

6 Defendants shall within thirty (30) days file with the Court a sworn written
7 statement setting forth in detail the manner and form in which Defendants have
8 complied with this Order.

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10 IT IS ORDERED.

11 January 8, 2024



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14 The Honorable André Birotte Jr.
15 United States District Judge
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